

REMARKS

The newly submitted claims are intended to simplify the issues by reducing the number of claims and presenting some of the salient features of the disclosed invention in claims of varying scope, but all depending from the same independent claims. Accordingly, this amendment should not be construed as an admission that any of the previously submitted claims were unpatentable over Rivette et al '751 (the only prior art reference applied by the examiner), nor is applicant estopped from resubmitting those claims, or other claims of a similar (or even broader) scope in a subsequently filed continuation application.

The rejection under 35 USC 101, to the extent it is understood, is presumably moot in view of the fact that the present claims are directed to a "computerized tool" comprising certain "computer-assisted" steps for "facilitating forward looking strategic analyses", and is thus clearly "a practical application within the technological arts". Regardless, the law is well established that business methods and the like are not excluded from patentability by the constitution or by the cited statute. ...

The terms set forth in the claims in quotes are defined in the specification as originally filed. "Action" and "object" are defined in paragraphs [0061] and [0062] of the published application, and the associated Detailed Description of Figs 4 and 5 provides additional insights into applicants' terminology. In particular, those same paragraphs discuss the relationship between "field" "action", "object" and "cell", and also include a definition of "cluster".

Comparing these various admittedly very broad definitions to the cited Rivette '751 disclosure, it is clear that Rivette does not teach or suggest cells formed from actions and objects, or indeed any multi-dimensional matrix organization of the selected field. Rather, as is visible from Rivette's Fig 118, his organization is simply a hierarchical tree of folders and subfolders. Similarly, Rivette's mention of "cluster" in column 54 merely refers to a fixed number of patents that are accessible as a group and has no apparent relationship to applicants' "clusters" (which are a group of related cells, as explained in paragraph [0062] with reference to Fig 5).

However, the claims now pending are not directed to an abstract matrix organization per se but rather to certain applications of such a matrix organization to computerized analysis tools for visually displaying multiple metrics (including at least one forward-looking metric) for multiple cells, using a multi-step process similar to that shown in Fig. 28, to thereby facilitate a more sophisticated visual comparison of the different cells than is practical with Rivette's simplistic hierarchical approach. Moreover, applicants' multi-dimensional approach is not inherently constrained by Rivette's predetermined hierarchical structure.

For example, as specifically claimed in dependent claims 145, 146, and 147, when applied to patent documents and patent assignee activities relating to certain identified products and/or processes, applicants' disclosed system provides a tool for examining time-based investment behavior correlated to various combinations of those products and processes, with a graphical display for each specified action/object pair of various metrics, including at

least one which take into account the strengths and weaknesses (investment/lack of investment) of a particular patent holder relative to his peers.

In the event the examiner remains unconvinced of the patentability of the claimed subject matter, or if any further amendment or other documentation is required to place this application in condition for allowance, the examiner is requested to contact the undersigned by telephone prior to issuing any final action.

Respectfully submitted,

FULBRIGHT & JAWORSKI LLP

Dated: _____

9-18-03

By: _____

John M. May
Reg. No. 26,200

Customer No.

000167

PATENT TRADEMARK OFFICE

Fulbright & Jaworski L.L.P.
Twenty Ninth 29th Floor
865 South Figueroa Street
Los Angeles, CA 90017-2576
Telephone: (213) 892-9200